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Eighteenth session

SUMMARY RECORD OF THE 362nd MEETING

Held at Headquarters, New York,
on Tuesday, 20 January 1998, at 3 p.m.

Chairperson: Ms. KHAN

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of Azerbaijan (continued) (CEDAW/C/AZE/1)

1. At the invitation of the Chairperson, Ms. Abdoullah-Zade (Azerbaijan) took a place at the Committee table.

Article 6

2. Ms. Yung Chung KIM asked what steps were being taken by law enforcement authorities to protect women from the risks of traffic in women, and whether there were any educational programmes for young girls to alert them to its dangers and to prevent them from becoming its victims? She asked whether any one had been brought to trial in the 26 criminal cases mentioned in paragraph 94, what the outcome had been, and whether any criminal penalties had been imposed.

3. Ms. ESTRADA CASTILLO, referring to the 26 criminal cases mentioned in paragraph 94, asked what penalties had been imposed on the persons who had recruited women for prostitution and whether the victims had received any kind of financial compensation for the harm they had suffered. Was the Government of Azerbaijan providing employment opportunities for women to discourage them from resorting to prostitution? More information on the traffic in women and girls, especially for purposes of prostitution was needed; were there any preventive programmes, and what was being done to stop traffic in women not only to Europe but also to countries in the region?

4. Ms. HARTONO asked for further details in connection with the general statements made in paragraphs 89 and 90.

Article 7

5. Ms. CORTI said that, as she had already noted in her general comments, more information was needed on women in decision-making positions.

6. Ms. ACAR said that it was impressive that women accounted for 12 per cent of members of Parliament in Azerbaijan, especially in view of the trend in many other former Soviet countries, where women's participation had declined since independence. She asked whether there had been any change in the level of women's representation; whether any efforts were being made by women in Parliament to legislate for women's rights and address issues of discrimination; and whether any organization of women parliamentarians had been set up to promote women's rights, combat discrimination and put forward gender-sensitive policies.

7. Ms. JAVATE DE DIOS requested information about participation by non-governmental organizations in promoting gender equality and asked whether

such organizations, especially women's and human rights groups, were able to participate freely in political debate, without risk to the persons involved.

8. Ms. ESTRADA CASTILLO said that, according to information from the International League for Human Rights, male heads of household sometimes voted on behalf of women family members in elections; she asked whether that was the case and, if so, what the Government was doing to prevent such a flagrant violation of women's right to vote.

Article 9

9. Ms. ESTRADA CASTILLO, referring to paragraph 101, asked for information about the status of children of parents of different nationalities in cases of divorce.

Article 10

10. Ms. CORTI asked for further information on article 3 of the Education Act; were there special classes on the meaning of gender equality, and was teaching on international legal instruments, especially the Convention, provided in schools? Were special schools separate from ordinary schools? Had the education budget increased? Were there any private schools and, if so, how were they funded and how many students attended them? Were textbooks and teaching methods the same in public and private schools?

11. Ms. ACAR requested statistics on trends in the rates of school attendance for girls and boys since independence, and also gender-disaggregated statistics on university student enrolment in the various disciplines, to supplement the limited information provided in paragraph 106. Had there been any effort to institutionalize the teaching of women's studies at the university level?

12. Ms. FERRER asked what impact the economic crisis had had on girls' access to education and to scholarships, especially among the 85 per cent of th population living below the poverty level. Had the privatization of the educational system influenced girls' access to school, and had the number of girls in higher education increased or declined by comparison with the previous five-year period? Since more girls than boys applied to university, why did girls account for less than 50 per cent of university students? In connection with paragraph 103, she asked whether teachers were given any training in gender issues.

13. Ms. JAVATE DE DIOS asked how the authorities ensured that teaching aids and textbooks did not reflect discriminatory attitudes vis-à-vis either sex, and what proactive measures were being taken to change public attitudes. She requested comparative statistics on women's participation in the professions over the past 10 years and during the period under review; had there been a regression in women's participation in the professions, particularly in view of the economic crisis?

14. She asked how the education of refugee women and children was being conducted and whether there were any programmes for women in especially difficult circumstances. In what way was the Government of Azerbaijan actively

ensuring the availability of human rights education and, especially, education in gender equality?

Article 11

15. Ms. CORTI noted that the information provided on article 11 followed the Committee's guidelines much more closely than the information on other articles. The Committee was interested in not only the de jure but also the de facto situation of working women in the current period of economic crisis. In connection with paragraph 110, she asked how article 83 of the Labour Code was implemented in practice. She requested gender-disaggregated data on unemployment and information on part-time employment. Were the same social benefits provided in the public and private sectors? The situation described in paragraph 116 seemed to conflict with women's constitutional rights. She asked why it was that, as yet, not all the mechanisms for providing economic assistance to employers in that respect had been established in Azerbaijan. Were all the pension rights mentioned in paragraphs 118 and 119 being guaranteed during the current economic crisis, especially since many mothers had three or more children and were therefore entitled to the benefits listed?

16. Ms. AOUIJ said that it was commendable that Azerbaijan had ratified the main International Labour Organization conventions, especially Conventions Nos. 100, 103 and 111. Paragraph 109 showed that women's right to work was well established, and was protected by the State. She asked whether, in practice, employers respected the provisions of the law, and whether the incentives envisaged for employers were actually in place; whether maternity laws had an adverse effect on the employment of women; whether any men applied for paternity leave; whether conditions were the same in the public and private sectors; what the situation of women was in the informal sector; and what percentage of women were heads of household and whether there were programmes to help such women find work and childcare. Did men and women have equal rights in respect of stability of employment, hiring practices and selection criteria, and training and refresher training programmes? She requested information on legal remedies available to women who were victims of discrimination, laws providing protection against sexual harassment, and programmes to facilitate women's re-entry to the workplace. In the current situation of widespread unemployment, the Government was making commendable efforts to prevent the marginalization of women. She asked whether women who had not been placed by the State employment service (para. 116) received unemployment benefits on the same basis as men.

17. Ms. FERRER said that if two thirds of the unemployed population of working age were women, the grave economic crisis referred to in paragraph 13 must have had greater repercussions for women than for men. Were any programmes being developed to assist women, especially women heads of household, single mothers and women supporting their families, in finding work? What possibilities or programmes existed for giving women refugees access to employment? She requested updated data on the percentage of women in the labour force, and asked whether the data provided in the report included women in domestic service or part-time work. She requested information on the participation of women in major occupational categories and the percentage of women at each level. Were there crèches and kindergartens for the children of working women, what

percentage of such facilities were provided by the State, and what were the requirements for admission to them?

18. Ms. LIN Shangzhen noted that Azerbaijani legislation seemed to emphasize maternity protection over equality between men and women. With regard to article 11, and also articles 3 and 4, she welcomed the establishment of national machinery to deal with women's issues. It would be interesting to know what the priorities of such machinery would be and whether it would attempt to maintain or restore some of the rights enjoyed by women in the former Soviet Union. She stressed the need for affirmative action and other temporary special measures to offset the impact of the socio-economic crisis. She would appreciate more specific information on the implementation of legislation to protect women's rights during the crisis, and on the impact of the crisis on women's and girl's education, employment and health. Referring to the concept of "heroine mothers" in paragraph 118 (a), she inquired whether, under the current demographic policy of Azerbaijan, women were still encouraged to bear numerous children.

19. Ms. Yung Chung KIM, referring to paragraph 109 of the report, inquired about the percentage of women holding managerial positions in the fields of health care, social welfare, popular education and culture. More information should be provided on promotion and retirement practices, and on the situation with regard to age, gender and wage discrimination. It would be interesting to know whether paternity leave for childcare was granted in Azerbaijan.

20. Referring to article 12 of the Employment Act, she asked how many women had received free training in a new occupation or refresher training, with payment of a stipend. She wished to know how many unemployed women received the social benefits guaranteed under article 35 of the Act and whether women and men were granted the same benefits. Lastly, she requested statistics on the number of women who received the old-age pension granted on attaining the age of 55 with at least 20 years' service (para. 118); it was important to know whether men and women enjoyed equal rights under that provision.

Article 12

21. Ms. SHALEV said that the alarming rise in maternal mortality (para. 12 of the report) was a violation of women's right to life as guaranteed by the Constitution. She wondered whether the Government had addressed the causes of that phenomenon. She would appreciate clarification of the information given in paragraph 123, in view of reports from non-governmental organizations that there had been a decrease in the number of women's health centres and maternity beds since Azerbaijan attained independence. According to non-governmental sources, the charges for medical care referred to in paragraph 124 actually pervaded the entire health care system. Hospitals charged more than $100 for labour and delivery, an amount far in excess of the average wage, meaning that only privileged women could give birth in hospitals. She wondered whether there had been an increase in the number of home births since the attainment of independence and, if so, whether there was a link between that increase and the rise in maternal mortality.

22. She inquired about the status of a public health bill, introduced in the Parliament of Azerbaijan in April 1997, which would guarantee free prenatal care in federal and municipal facilities. She wished to know the percentage of private and public health facilities in Azerbaijan; what percentage of the population would have access to free maternity services under the new legislation; who had proposed the bill; whether adequate resources had been allocated for its implementation; and how it would be enforced in view of the unofficial, if not illegal, charge currently levied for medical services in public facilities. Noting the increase in infant mortality rates, she asked whether the proposed bill also provided for the free immunization of young children.

23. She requested updated information on the status of the reproductive health and family planning programme referred to in paragraph 122, particularly on its funding and its outreach activities. She wished to know whether the six regional health reproductive centres mentioned in that paragraph were functioning and whom they were serving. What were the four types of contraceptives available in those centres; were there statistics on their use; what did they cost; who paid for them; and could women select the method they preferred? She inquired about the contraceptive education and information programmes, and reproductive health education for adolescents. Were contraceptives available to women throughout the country and were they provided free of charge? If not, were there any socio-economic barriers to their use? She wished to know more about bureaucratic hurdles to supplying condoms to internally displaced women in Azerbaijan, which were referred to in a report by the Office of the United Nations High Commissioner for Refugees, and what action was being taken to overcome them.

24. The report made no reference to article 16 (e) of the Convention, on the number and spacing of children, and gave no information on abortion, which was directly related to the availability or otherwise of contraceptives. In that connection, she would appreciate information on abortion rates and on why women sought abortions; a comparison of abortion rates and rates of contraceptive use would be particularly enlightening. She inquired about abortion facilities, including their cost and funding, and about the health consequences of repeated abortions where contraceptives were not available.

25. She asked whether female sterilization was currently legal and why the proposed public health bill would make that option available only to women over 35 years of age with more than two children.

26. The representatives of Azerbaijan should describe public health measures for dealing with communicable diseases, including tuberculosis and sexually transmitted diseases such as HIV/AIDS. They should provide information on any action taken to address the threat of water contamination referred to in Azerbaijan's report to the Committee on Economic, Social and Cultural Rights. She would appreciate statistics on drug and alcohol abuse programmes for women and on health facilities available to female victims of domestic or sexual violence. In conclusion, she cautioned that poor women would be neglected if the Government's role in public health was diminished by privatization efforts.

27. Ms. ABAKA echoed Ms. Shalev's concern at the high rate of maternal mortality, which was particularly puzzling in view of the number of women doctors in Azerbaijan. She wished to know the major causes of maternal mortality; the report's lack of statistics both on that problem and on infant mortality was regrettable. At a time when 85 per cent of the population were living below the poverty line, affirmative action in the health field would be needed to reverse current trends. The report should have given more information on the incidence of HIV/AIDS and on measures to combat gender-based violence, both of which were the subject of Committee general recommendations. It would be interesting to hear more about the mental health situation of women in Azerbaijan at a time when the country was facing with so many problems.

28. She inquired about the availability of prenatal foetal testing and about abortions performed after such testing and the major reasons for them. She wished to know whether the Government sponsored programmes to combat sexually transmitted diseases, particularly HIV/AIDS; whether any of those programmes targeted women and girls in particular; whether they took female subordination into account as a factor that increased women's vulnerability to sexually transmitted diseases, particularly HIV/AIDS; and whether women health-care workers participated in them. Did HIV/AIDS victims participate in public awareness programmes in Azerbaijan? Lastly, she would appreciate information on the incidence of tuberculosis, which was often a consequence of malnutrition.

Article 13

29. Ms. OUEDRAOGO asked how many women applied for and obtained the loans, mortgages and other forms of financial credit referred to in paragraph 126. Fearing that women's living conditions and weaker economic situation might disqualify them from receiving the credit which they were guaranteed on paper, she asked whether any women's banks had been set up. She stressed the importance of the availability of credit, not only because women's economic power was crucial in the context of a globalized economy but also because credit was the only resource available to non-wage earning women for launching income-generating activities.

30. She inquired about the existence of day-care programmes, awareness-building programmes on men's role in housework and other measures that would enable women to engage in the leisure activities described in paragraph 127.

Article 16

31. Ms. HARTONO, referring to paragraph 137, asked what happened when a man disagreed with his wife's or daughter's choice of occupation, place of residence or family name. Was the age of majority for adoption purposes (para.142) the same as the age of majority for marriage and, if so, could an 18-year old adopt a child? It would be useful to know whether, in practice, legitimate children, as well as illegitimate children, were adopted and whether there was a preference for adopting girls or boys. Could Azerbaijani children be adopted by foreigners and, if so, what requirements had to be met?

32. She asked whether property owned before marriage became part of the joint property upon marriage, and how such property was divided (para. 144).

Referring to paragraph 145, she inquired about the trend for young people to live together, rather than marry, in order to avoid the cost of official registration. What were the consequences for their children, especially with regard to the responsibility of each partner for childcare and child support? In the event of separation, did women assume the entire burden of child-rearing and support, and could men simply enter into another relationship since the first one had not been formalized? In that connection, it would be interesting to know whether bigamy was legal in Azerbaijan and what regulations applied to it.

33. Ms. AOUIJ asked whether, in practice, family relations were influenced by traditional culture and customs, and whether women enjoyed de facto equality. Was the sharing of family responsibilities actually accepted? What grounds for divorce were envisaged in the law? Was divorce granted by the courts, and was there mandatory mediation? She asked for figures on the percentage of divorces requested by men and by women. If the mother had custody of the children, was the father required to pay child support, and did fathers do so in practice? Were there equal inheritance rights between men and women?

34. Ms. ABDOULLAH-ZADE (Azerbaijan) thanked Committee members for their interest and for their questions. Her delegation would respond at a subsequent meeting.

35. Ms. BUSTELO GARCIA DEL REAL asked why the summary records of the Committee's January and June 1997 sessions were not available.

36. Ms. CONNORS (Chief, Women's Rights Unit) explained that it could sometimes take up to nine months to process summary records in all the official languages.

The meeting rose at 4.50 p.m.